

of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

TRANSFER OF FUNCTIONS

Certain functions of Clerk of House of Representatives transferred to Director of Non-legislative and Financial Services by section 7 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992. Director of Non-legislative and Financial Services replaced by Chief Administrative Officer of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

§ 206c. Emergency duty overtime pay for Capitol Police from funds disbursed by Secretary of the Senate; compensatory time off in place of additional pay; election, accrual and transfer of time off; rules and regulations

Each officer or member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate, who performs duty in addition to the number of hours of his regularly scheduled tour of duty for any day on or after July 1, 1974, is entitled to be paid compensation (when ordered to perform such duty by proper authority) or receive compensatory time off for each such additional hour of duty, except that an officer shall be entitled to such compensation only upon a determination made by the Capitol Police Board with respect to any additional hours. Compensation of an officer or member for each additional hour of duty shall be paid at a rate equal to his hourly rate of compensation in the case of an officer, and at a rate equal to one and one-half times his hourly rate of compensation for a member of such force. The hourly rate of compensation of such officer or member shall be determined by dividing his annual rate of compensation by 2,080. Any officer or member entitled to be paid compensation for such additional hours shall make a written election, which is irrevocable, whether he desires to be paid that compensation or to receive compensatory time off instead for each such hour. Compensation due officers and members under this paragraph shall be paid by the Secretary, upon certification by the Chief of the Capitol Police at the end of each calendar quarter and approval of the Capitol Police Board, from funds available in the Senate appropriation, "Salaries, Officers and Employees" for the fiscal year in which the additional hours of duty are performed without regard to the limitations specified therein. Any compensatory time off accrued and not used by an officer or member at the time he is separated from service on the Capitol Police force may not be transferred to any other department, agency, or establishment of the United States Government or the government of the District of Columbia, and no lump-sum amount shall be paid for such accrued time. The Capitol Police Board is authorized to prescribe regulations to carry out this section.

(Pub. L. 92-51, July 9, 1971, 85 Stat. 130; Pub. L. 93-145, Nov. 1, 1973, 87 Stat. 532; Pub. L. 93-371, § 5, Aug. 13, 1974, 88 Stat. 430.)

AMENDMENTS

1974—Pub. L. 93-371 generally amended provisions relating to payment of emergency duty overtime pay and inserted provisions relating to election by officers or members entitled to compensation for additional duty

of either payment of such compensation or compensatory time off in place of any additional pay, and provisions setting forth duties of the Capitol Police Board with respect to approval of additional compensation payments and promulgation of rules and regulations for implementing this section, effective July 1, 1974.

1973—Pub. L. 93-145 inserted "inspectors," before "captains".

§ 207. Payment of Capitol Police

The said police shall be paid on the order of the Sergeant at Arms of the Senate and the Sergeant at Arms of the House, or of either of them.

(R.S. § 1822.)

CODIFICATION

Provisions of R.S. § 1822 relating to composition and pay rates of the Capitol police were omitted as obsolete and superseded.

R.S. § 1822 derived from acts Mar. 30, 1867, ch. 20, § 1, 15 Stat. 11; Mar. 3, 1871, ch. 113, § 1, 16 Stat. 477.

CROSS REFERENCES

Pay during suspension, see section 209 of this title.

§ 207a. Unified payroll administration for Capitol Police

Payroll administration for the Capitol Police and civilian support personnel of the Capitol Police shall be carried out on a unified basis by a single disbursing authority. The Capitol Police Board, with the approval of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, acting jointly, shall, by contract or otherwise, provide for such unified payroll administration.

(July 31, 1946, ch. 707, § 9C, as added Oct. 6, 1992, Pub. L. 102-397, title I, § 102, 106 Stat. 1950.)

CHANGE OF NAME

Committee on House Administration of House of Representatives changed to Committee on House Oversight of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

EFFECTIVE DATE

Section 104 of Pub. L. 102-397, as amended by Pub. L. 102-392, title III, § 321, Oct. 6, 1992, 106 Stat. 1726, provided that: "The unified payroll administration under the amendment made by section 102 [enacting this section] shall apply with respect to pay periods beginning after September 30, 1993."

[Section 321 of Pub. L. 102-392 provided that the amendment made by that section to section 104 of Pub. L. 102-397, set out above, is effective Oct. 6, 1992.]

LUMP-SUM PAYMENT

Title II of Pub. L. 102-397 provided that:

"SEC. 201. DEFINITIONS.

"For the purpose of this title—

"(1) the term 'officer' includes all personnel of the rank of lieutenant or higher, including inspector;

"(2) the term 'member' includes all personnel below the rank of lieutenant, including detectives; and

"(3) the term 'Clerk of the House of Representatives' or 'Clerk' includes a successor in function to the Clerk.

"SEC. 202. LUMP-SUM PAYMENT FOR ACCUMULATED AND CURRENT ACCRUED ANNUAL LEAVE.

"An officer or member of the United States Capitol Police who separates from service within the 2-year pe-

riod beginning on the date of the enactment of this title [Oct. 6, 1992] and who, at the time of separation, satisfies the age and service requirements for title to an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, shall be entitled to receive a lump-sum payment for the accumulated and current accrued annual leave to which that individual is entitled, but only to the extent that such leave is attributable to service performed by such individual as an officer or member of the Capitol Police.

“SEC. 203. PROCEDURES.

“(a) IN GENERAL.—A payment under this title shall be paid—

“(1) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Clerk of the House of Representatives—

“(A) by the Clerk;

“(B) after appropriate certification is made to the Clerk by the Sergeant at Arms of the House of Representatives; and

“(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Clerk; and

“(2) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Secretary of the Senate—

“(A) by the Secretary of the Senate;

“(B) after appropriate certification is made to the Secretary of the Senate by the Sergeant at Arms and Doorkeeper of the Senate; and

“(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Secretary of the Senate.

“(b) CERTIFICATION.—Any certification under subsection (a)(1)(B) or (a)(2)(B) shall state the total of the accumulated and current accrued annual leave, to the credit of the officer or member involved, which may be taken into account for purposes of a computation under subsection (c).

“(c) COMPUTATION.—(1) The amount of a lump-sum payment under this title shall be determined by multiplying the hourly rate of basic pay of the officer or member involved by the number of hours certified with respect to such officer or member in accordance with the preceding provisions of this section.

“(2) The hourly rate of basic pay of an officer or member shall, for purposes of this title, be determined by dividing 2,080 into the annual rate of basic pay last payable to such officer or member before separating.

“(d) TREATMENT AS PAY.—A lump-sum payment under this title shall be considered to be pay for taxation purposes only.

“(e) CLARIFICATION.—For purposes of this title, the terms ‘officer’ and ‘member’ may not be construed to include any civilian employee.”

§ 208. Suspension of Capitol Police members

The captain of the Capitol police may suspend any member of the force, subject to the approval of the two Sergeants at Arms and of the Architect of the Capitol.

(R.S. §1823; Mar. 3, 1921, ch. 124, §1, 41 Stat. 1291.)

CODIFICATION

R.S. §1823 derived from acts Mar. 3, 1873, ch. 226, 17 Stat. 488; June 20, 1874, ch. 328, 18 Stat. 86; Mar. 3, 1875, ch. 129, 18 Stat. 345.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

§ 209. Pay of Capitol Police members under suspension

On and after March 3, 1875, whenever a member of the Capitol police or watch force is sus-

pended from duty for cause, said policeman or watchman shall receive no compensation for the time of such suspension if he shall not be reinstated.

(Mar. 3, 1875, ch. 129, 18 Stat. 345.)

CODIFICATION

Section is based on a proviso in act Mar. 3, 1875, popularly known as the “Legislature, Executive, and Judicial Appropriation Act, fiscal year 1876”.

§ 210. Uniform, belts and arms; Capitol Police

The Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives shall select and regulate the pattern for a uniform for the Capitol police and watchmen, and furnish each member of the force with the necessary belts and arms, payable out of the contingent fund of the Senate and House of Representatives upon the certificate of the officers above named. Such arms so furnished shall be carried by each officer and member of the Capitol Police, while in the Capitol Buildings (as defined in section 193m(a)(1) of this title), and while within or outside of the boundaries of the United States Capitol Grounds (as defined in section 193a of this title), in such manner and at such times as the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives may, by regulations, prescribe.

(R.S. §1824; Pub. L. 92-607, ch. V, §507, Oct. 31, 1972, 86 Stat. 1508; Pub. L. 95-26, title I, §112, May 4, 1977, 91 Stat. 87.)

CODIFICATION

R.S. §1824 derived from act Mar. 30, 1867, ch. 20, §1, 15 Stat. 11.

AMENDMENTS

1977—Pub. L. 95-26 struck out “at a cost not to exceed twenty dollars per man,” after “furnish each member of the force with the necessary belts and arms.”

1972—Pub. L. 92-607 directed that the arms be carried in the Capitol Buildings and within and without the boundaries of the United States Capitol Grounds according to regulations prescribed by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives.

§ 210a. Uniforms to display United States flag or colors

(a) The uniform of officers and members of the United States Park Police force, the United States Secret Service Uniformed Division, the Capitol Police, and the Metropolitan Police force of the District of Columbia shall bear a distinctive patch, pin, or other emblem depicting the flag of the United States or the colors thereof.

(b) The Secretary of the Interior in the case of the United States Park Police force, the Secretary of the Treasury in the case of the United States Secret Service Uniformed Division, the Capitol Police Board in the case of the Capitol Police, and the Mayor of the District of Columbia in the case of the Metropolitan Police force shall prescribe such regulations as may be necessary to carry out the purposes of this section.

(Pub. L. 91-297, title II, §201(a), (b), June 30, 1970, 84 Stat. 357; Pub. L. 93-198, title IV, §421, Dec. 24, 1973, 87 Stat. 789; Pub. L. 95-179, Nov. 15, 1977, 91 Stat. 1371.)